

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEREMY JAMES BROWN,

Plaintiff,

-vs-

Court File No. 01CV71311DT

Hon. Julian Abele Cook, Jr.

CHRISTOPHER DOUGLAS EISCHEN,

Defendant.

PATRICK J. BRUETSCH (P28050)
JACK E. GRAY, JR. (P56502)
BRUETSCH & ASSOCIATES
Attorneys for Plaintiff
401 S. Old Woodward, Suite 400
Birmingham, MI 48009
(248) 646-1114

JOHN W. WHITMAN (P37932)
GARAN LUCOW MILLER, P.C.
Attorney for Defendant
101 North Main St., Suite 460
Ann Arbor, Michigan 48104-1400
(734) 930-5600

FILED
2002 JUN -3 A 11:53
U.S. DIST. COURT CLERK
EAST DIST. MICH.
DETROIT

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of records of all parties to the above cause by mailing the same to them at their respective business address as disclosed by the pleadings of records

herein, with postage fully prepaid thereon on the 31st
day of May 2002
Janice D. Tripp

MOTION IN LIMINE

NOW COMES the above-named Defendant, by and through his attorney,

GARAN LUCOW MILLER, P.C., and brings a Motion in Limine as follows:

1. This matter is scheduled for trial on August 6, 2002.
2. The Defendant desires to abandon certain Affirmative Defenses prior to trial, the same being Affirmative Defense #2 (volunteer doctrine),

Affirmative Defense #3 and #4 (comparative fault), Affirmative Defense #5 (non-negligence), Affirmative Defense #8 (sudden emergency), Affirmative Defense #9 (comparative fault), Affirmative Defense #10 (plaintiff intoxication) and Affirmative Defense #13 (negligence of non-party).

3. Further, the Defendant wishes to bar reference to medical expenses incurred in this case as the Defendant enjoys statutory immunity from claims pertaining to medical expenses pursuant to MCLA 500.3105.

WHEREFORE the Defendant requests that the Defendant be permitted to abandon the aforementioned Affirmative Defenses and further that the Court will enter an Order barring reference to medical expenses as the current medical expenses and amount of those expenses is irrelevant to this proceeding.

GARAN LUCOW MILLER, P.C.

JOHN W. WHITMAN (P37932)
Attorney for Defendant
101 North Main Street, Suite 460
Ann Arbor, MI 48104
(734) 930-5600

Dated: May 30, 2002

MEMORANDUM IN SUPPORT

In support of Defendant's motion, the Defendant relies upon FRCP 8 as well as MCLA 500.3135.

GARAN LUCOW MILLER, P.C.

JOHN W. WHITMAN (P37932)
Attorney for Defendant
101 North Main Street, Suite 460
Ann Arbor, MI 48104
(734) 930-5600

Dated: May 30, 2002

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